

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TONY PRECILIAND OVERTON,        )  
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    )  
Petitioner,                        )  
    )  
    )  
-vs-                                )        Case No. CIV-19-598-F  
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    )  
SCOTT CROW, Interim Director,    )  
    )  
    )  
    )  
Respondent.                        )

**ORDER**

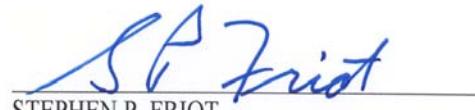
Petitioner, Tony Preciliand Overton, appearing *pro se*, commenced this matter by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to United States Magistrate Judge Gary M. Purcell in accordance with 28 U.S.C. § 636. On March 31, 2020, Magistrate Judge Purcell issued a 71-page Supplemental Report and Recommendation, recommending that the § 2254 petition be denied. Magistrate Judge Purcell advised petitioner of his right to file an objection to the Supplemental Report and Recommendation by April 20, 2020 and further advised that failure to timely object would waive appellate review of the recommended ruling.

To date, petitioner has not filed an objection to the Supplemental Report and Recommendation and has not requested an extension of time to file an objection. With no objection being filed, the court accepts, adopts and affirms the Supplemental Report and Recommendation in its entirety. Petitioner's § 2254 petition shall be denied.

Under Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, the court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To satisfy this standard, the applicant must demonstrate that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Upon review, the court finds that petitioner cannot satisfy this standard. Therefore, the court denies a certificate of appealability.

Accordingly, the Supplemental Report and Recommendation (doc. no. 19) issued by United States Magistrate Judge Gary M. Purcell on March 31, 2020 is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner, Tony Preciliand Overton’s Petition for a Writ of Habeas Corpus (doc. no. 1), pursuant to 28 U.S.C. § 2254, is **DENIED**. A certificate of appealability is also **DENIED**.

IT IS SO ORDERED this 1<sup>st</sup> day of May, 2020.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE